

COMPLAINT FORM

Complaint against Broadcasting/Telecommunications Licensees on Suspected Contravention of the “Fair Trading Sections” of the Trade Descriptions Ordinance (Cap. 362) (the “TDO”)

PART A – Personal Particulars of the Complainant

***1. Contact details (note 1):**

Complainant

| | | | |
|-------------------------|------------|-------------|--|
| Title: Mr / Miss / Ms ^ | Last name: | First name: | |
| Contact telephone no.: | | Fax no.: | |
| Email address: | | | |
| Correspondence address: | | | |

2. If you lodge the complaint on behalf of the subject party, please provide the following information (note 2):

- a. Name of the subject party: _____
- b. Your relationship with the subject party: _____
- c. Does the subject party consent to the lodge of the complaint? Yes No

PART B – Details of the Complaint

***3. Name of the broadcasting/telecommunications licensee that you would like to complain on suspected contravention of the “fair trading sections” of the TDO (notes 3 and 4):**

4. Has the complainant or the subject party lodged the complaint to other enforcement agencies?

Yes / No If yes, please state:

Department: Customs and Excise Department / Hong Kong Police Force ^

Complaint date: _____ Reference no. (if any): _____

Response from the enforcement agency: _____

***5. Please set out the details of the complaint (note 5):**

6. Please provide a copy of the following documents and information relevant to the complaint (if applicable) together with this complaint form (note 6):

- a. Contracts: Yes No
- b. Bills (e.g. monthly statements): Yes No
- c. Prepaid cards and packages: Yes No
- d. Advertisements or leaflets: Yes No
- e. Records of correspondence: Yes No
- f. Identification documents of the salespersons involved: Yes No
- g. Recordings of conversations with the salespersons involved: Yes No
- h. Others (please specify): _____

7. Please supply any other information which you think may be useful for processing the complaint:

PART C – Declaration

***8. I (including the subject party) agree that the Communications Authority (“CA”) and the Office of the Communications Authority (“OFCA”) as the executive arm of the CA may disclose my identity (including the subject party) (note 7):**

Yes No

***9. I (including the subject party) agree that OFCA may provide the details of the complaint and copies of documents or information (including any personal data) submitted by me (including the subject party) to the broadcasting/telecommunications licensee under complaint (note 8):**

Yes No

***10. I (including the subject party) agree that OFCA may collect relevant documents or information (including any personal data) from the broadcasting/telecommunications licensee under complaint or other relevant third parties involved in the case. The documents or information may include, but are not limited to, copies of the relevant service contracts/agreements, monthly statements and recordings of telephone conversations:**

Yes No

***11. I (including the subject party) agree that as part of the process of considering whether there may be a contravention of the “fair trading sections” of the TDO by the broadcasting/telecommunications licensee under complaint, OFCA may refer the details of the complaint and relevant documents or information (including any personal data) as referred to in paragraphs 9 and 10 above to other government departments, statutory bodies or other agencies which are authorised to receive the information for the purposes of law enforcement and prosecution :**

Yes No

***12. I (including the subject party) agree, where necessary, to attend interview(s) with and provide written statement(s) to OFCA or officers of other enforcement agencies and to act as a prosecution witness in court proceedings:**

Yes No

Signed: _____ **Date:** _____

(Name of the Complainant: _____)

Signed: _____ **Date:** _____

(Name of the Subject Party: _____)

(if the complainant lodges the complaint on behalf of the subject party)

*** Must fill items**

^ Please delete as appropriate

Please tick the appropriate box

Notes

1. Please provide your contact information to enable us to contact you for further details relevant to the subject complaint where necessary.
2. The subject party includes, but is not limited to, the registered customer, purchaser and promotion target of the service, etc.
3. The “fair trading sections” prohibit false trade descriptions in relation to goods and services, misleading omissions, aggressive commercial practices, bait advertising, bait-and-switch and wrongly accepting payment. Sections 4, 5, 7, 7A, 13E, 13F, 13G, 13H and 13I of the TDO specify the relevant offences. Generally speaking, contractual disputes and customer service issues are outside the scope of the TDO. For details, please visit the Communications Authority’s webpage at http://www.coms-auth.hk/en/policies_regulations/unfair_trade_practices/index.html.
4. Please provide details of the broadcasting/telecommunications licensee against which you are complaining, and the names and contact information of any individuals who may be of assistance to the investigation of your complaint.
5. Please explain the facts in relation to your complaint in as much detail as possible, including the date, time, place (such as the location of the retail shop), person(s) involved (such as the name of the salesperson), and a chronological description of the conduct of the broadcasting/telecommunications licensee or their staff which you consider is in contravention of the “fair trading sections” of the TDO. Please use separate sheet if there is not enough space.
6. Please keep the originals of the relevant documents and information properly. You may be requested to provide us with the originals for verification and/or for submission to the court as and when necessary.
7. Please tell us the reasons if you (including the subject party) are not willing to be identified as the complainant and the subject party to the subject of your complaint. If there are valid reasons that you (including the subject party) should not be identified or your identities should not be disclosed, we will consider whether it is possible to process the complaint under such circumstances. Where this is not possible, we will let you know and we will discuss with you the implications of your request.
8. All personal data and documents supplied by you (including the subject party) will only be used for processing the complaint (including taking any enforcement or prosecution action) that you have lodged with the CA.

How to submit the completed complaint form?

Please send the completed complaint form together with the relevant documents and information by one of the following means –

- | | |
|------------------------|--|
| by post or by hand to: | Market and Competition Branch The Office of the Communications Authority 29/F, Wu Chung House, 213 Queen’s Road East, Wan Chai, Hong Kong |
| by fax to: | 2123 2187 |
| by email to: | utp@ofca.gov.hk |

Disclaimer

The description of the “fair trading sections” of the TDO in this complaint form is for general reference only. You should refer to the relevant provisions of the TDO for a complete and definitive statement of the law. Full text of the TDO can be downloaded at <https://www.elegislation.gov.hk/hk/cap362!en>.

Privacy Policy

The CA respects personal data privacy and is committed to fully implementing and complying with the data protection principles and all relevant provisions of the Personal Data (Privacy) Ordinance (Cap. 486) and codes of practice issued by the Privacy Commissioner for Personal Data in handling all data collected, including all personal data submitted through this complaint form. To this end, the CA undertakes to:

1. collect adequate, but not excessive, personal data by lawful and fair means only for lawful purposes related to the CA’s functions or activities;
2. take all reasonably practicable steps to ensure that the personal data collected or retained are accurate, having regard to the purposes for which they are to be used;
3. erase personal data which is no longer necessary for the purposes for which they are to be used;
4. use the personal data collected only for purposes or directly related purposes for which the data was to be used at the time of collection, unless the individual concerned has given express consent for a change of use or such use is permitted by law;
5. take all reasonably practicable steps to ensure that personal data is protected against unauthorised or accidental access, processing, erasure or other use;
6. take all reasonably practicable steps to ensure that a person can be informed of the kinds of personal data that the CA holds and the purposes for which the data is to be used; and
7. permit persons to access and correct personal data of which they are the data subject and process any such access/correction requests in a manner permitted or required by law.

For details, please visit our webpage at https://www.coms-auth.hk/en/privacy_policy/index.html.